



Order Filed on October 30, 2017
by Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, P.C.
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: Ditech Financial LLC

IN re:

Elizabeth T Corbo
Debtor

Case No.: 12-27807-JKS
Chapter: 13
Hearing Date: September 14, 2017
at 11:00 a.m.
Judge: John K. Sherwood

Recommended Local Form

☒ Followed

☐ Modified

**AMENDED ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: October 30, 2017



Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: Ditech Financial LLC
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 16 Fernwood Court, Clifton, New Jersey 07011
Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for the month of September 1, 2017 in the amount of \$2,099.52.
- ☒ The Debtor has \$341.78 in suspense.
- ☒ The Debtor must pay attorney fees of \$350.00 and costs of \$181.00 directly since the Chapter 13 Plan has completed.

Total Arrearages Due: \$2,288.74

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Beginning on October 1, 2017, Debtor shall begin repaying the arrears of \$2,288.74 over a period of 6months. Debtor shall pay an additional monthly cure payment in the amount of \$381.46 from October 1, 2017 through and including March 1, 2018.
- ☒ Beginning on October 1, 2017, regular monthly mortgage payment shall continue to be made in the amount of \$2,099.52.
- ☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan.
The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: Ditech Financial LLC
1400 Turbine Dr., Suite 200
Rapid City, South Dakota 57709

☒ Regular monthly payment: Same as above

☒ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$181.00 and costs of 350.00 to be paid directly by Debtor as outlined in paragraph 1 and 2 of this Order.

McCABE, WEISBERG & CONWAY, P.C.
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)
216 Haddon Avenue, Suite 201
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856-858-7080
Attorneys for Movant: Ditech Financial LLC

IN re:

Elizabeth T Corbo
Debtor

Case No.: 12-27807-JKS
Chapter: 13
Hearing Date: September 14, 2017
at 11:00 a.m.
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CERTIFICATION OF SERVICE

1. I, Tracy Gill:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Alexandra T. Garcia, Esq., who represents the Movant in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On October 20, 2017, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

- Amended Order Resolving Motion for Relief from the Automatic Stay
- Certification of Service

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: October 20, 2017

/s/ Tracy Gill
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Elizabeth T Corbo 16 Fernwood Court Clifton, NJ 07011	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Russell L. Low Low & Low 505 Main St. Suite 304 Hackensack, New Jersey 07601	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, New Jersey 07004	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.

LAW OFFICES
McCABE, WEISBERG & CONWAY, P.C.

SUITE 210
145 HUGUENOT STREET
NEW ROCHELLE, NY 10801
(914) 636-8900
FAX (914) 636-8901

SUITE 1400
123 S. BROAD STREET
PHILADELPHIA, PA 19109
(215) 790-1010
FAX: (215) 790-1274

SUITE 201
216 HADDON AVENUE
WESTMONT, NJ 08108
(856) 858-7080
FAX (856) 858-7020

Marisa Cohen, Esquire, NJ Managing Attorney
NJ ID 017032001

SUITE 2S09
1 HUNTINGTON QUADRANGLE,
MELVILLE, NY 11747
(631) 812-4084
FAX (855) 845-2584

SUITE 102
1407 FOULK ROAD
FOULKSTONE PLAZA
WILMINGTON, DE 19803
(302) 409-3520
FAX 855-425-1980

September 13, 2017

Russell L. Low
Low & Low
505 Main St.
Suite 304
Hackensack, New Jersey 07601

Re: Elizabeth T Corbo
Chapter 13
Case No. 12-27807-JKS
Movant/ Our Client: Ditech Financial LLC

Dear Russell L. Low :

Enclosed please find a copy of the Order Resolving Motion for Relief from the Automatic Stay, as well as supporting documents, which have been electronically filed with the court.

If you have any questions, or need any additional information, feel free to contact our office.

Very truly yours,
McCABE, WEISBERG & CONWAY, P.C.

Tracy Gill
Paralegal

ATG/tg
Enclosures

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(302) 409-3520
FAX 855-425-1980

September 13, 2017

Marie-Ann Greenberg
Chapter 13 Standing Trustee
30 Two Bridges Rd
Suite 330
Fairfield, New Jersey 07004

Re: Elizabeth T Corbo
Chapter 13
Case No. 12-27807-JKS
Movant/ Our Client: Ditech Financial LLC

Dear Marie-Ann Greenberg :

Enclosed please find a copy of the Order Resolving Motion for Relief from the Automatic Stay, as well as supporting documents, which have been electronically filed with the court.

If you have any questions, or need any additional information, feel free to contact our office.

Very truly yours,
McCABE, WEISBERG & CONWAY, P.C.

Tracy Gill
Paralegal

ATG/tg
Enclosures

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October 5, 2017

Elizabeth T Corbo
16 Fernwood Court
Clifton, NJ 07011

Re: Elizabeth T Corbo
Chapter 13
Case No. 12-27807-JKS
Movant/ Our Client: Ditech Financial LLC

Dear Debtor:

Enclosed please find a copy of the Order Resolving Motion for Relief from the Automatic Stay, as well as supporting documents, which have been electronically filed with the court.

If you have any questions, or need any additional information, please contact your attorney. Please do not contact this office directly if you are represented by an attorney in this bankruptcy case.

Very truly yours,
McCABE, WEISBERG & CONWAY, P.C.

Tracy Gill
Legal Assistant to Alexandra T. Garcia, Esquire
ATG/tg
Enclosures

Certificate of Notice Page 9 of 9
United States Bankruptcy Court
District of New Jersey

In re:
Elizabeth T Corbo
Debtor

Case No. 12-27807-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 01, 2017.

db +Elizabeth T Corbo, 16 Fernwood Court, Clifton, NJ 07011-2902

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 01, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 30, 2017 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Ditech Financial LLC NJECFMAIL@mwc-law.com
Alexandra T. Garcia on behalf of Creditor DITECH FINANCIAL LLC NJECFMAIL@mwc-law.com
Andrew L. Spivack on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Andrew L. Spivack on behalf of Creditor GREEN TREE SERVICING, LLC. nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Russell L. Low on behalf of Debtor Elizabeth T Corbo rbear611@aol.com,
ecf@lowbankruptcy.com;r57808@notify.bestcase.com
William M.E. Powers on behalf of Creditor CitiMortgage, Inc. ecf@powerskirn.com

TOTAL: 8